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CENTER ON IRREGULAR WARFARE AND ARMED GROUPS



SEA SHEPHERD: THE EVOLUTION OF AN ECO-VIGILANTE TO LEGITIMIZED MARITIME CAPACITY BUILDER

CLAUDE BERUBE

U. S. NAVAL WAR COLLEGE

SEA SHEPHERD:
The Evolution of an Eco-Vigilante to
Legitimized Maritime Capacity Builder

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CENTER ON IRREGULAR WARFARE AND ARMED GROUPS



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SEA SHEPHERD:
The Evolution of an Eco-Vigilante to
Legitimized Maritime Capacity Builder

Claude Berube, Ph.D.



CENTER ON IRREGULAR WARFARE AND ARMED GROUPS



U. S. NAVAL WAR COLLEGE

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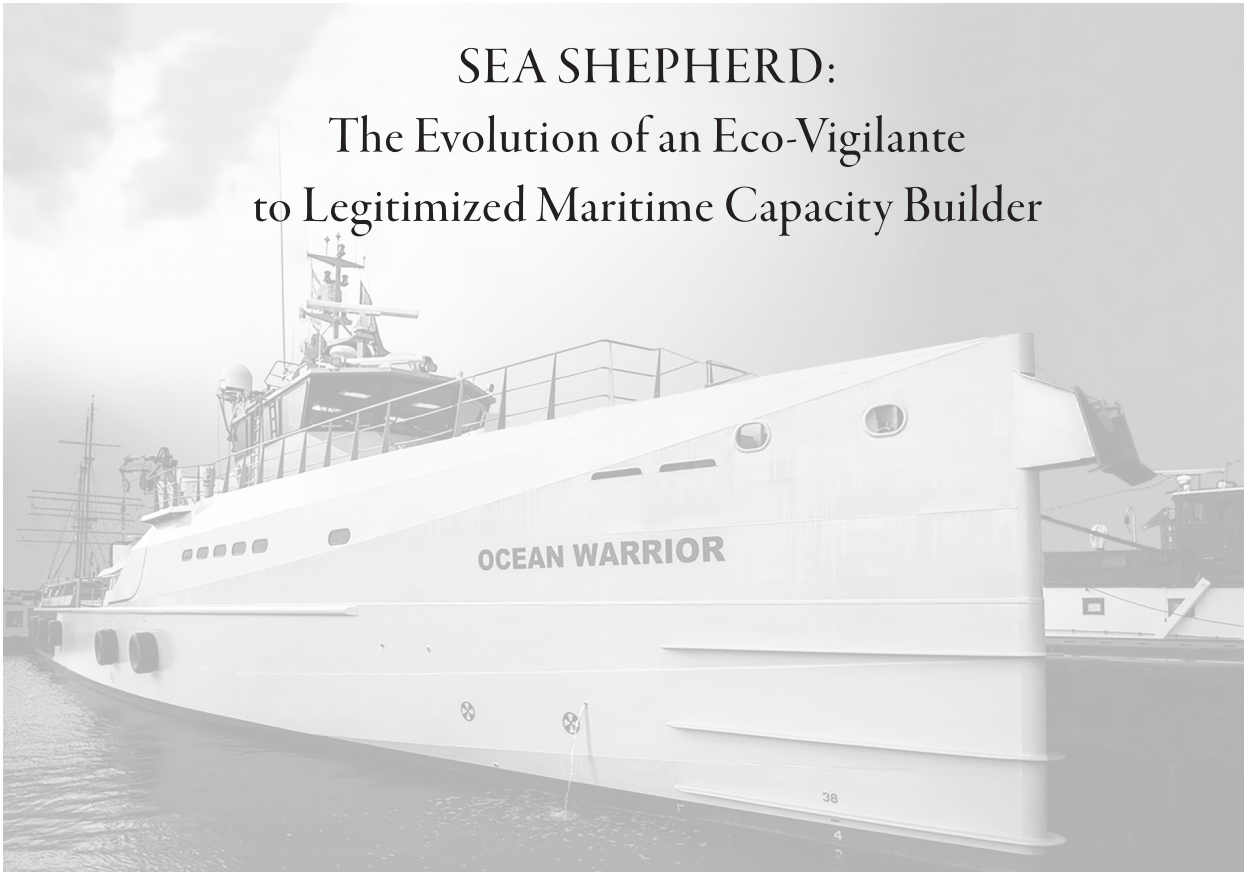
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SEA SHEPHERD:
The Evolution of an Eco-Vigilante
to Legitimized Maritime Capacity Builder



MESSAGE FROM THE EDITORS

This case study focuses on the evolution and development of a non-state group — Sea Shepherd — in the maritime domain. While some might argue that this organization is too small to warrant the attention of the U.S. Navy, others, including the author, argue that its cross-jurisdictional activities and international reach provide important insight into how other groups, or even states, with small maritime capabilities, might challenge international maritime norms.

The author, Professor Claude Berube is an accomplished maritime historian and Commander in the U.S. Navy Reserve. He uses these two lenses to examine Sea Shepherd's evolution: from its early, personality-driven phase to a private multi-ship organization that confronts illegal fishing operations across thousands of miles of open sea. The author asks how the Sea Shepherd was able transition from a legally deemed pirate organization to a respected nonprofit organization working in concert with countries globally. To provide an answer, Berube delves deeply into the organization's evolution, command and control structures, strategic communication strategies, logistics, fundraising, and its global intersection with small navies and coast guards.

The case study does not shy away from the controversial aspects of Sea Shepherd's historical development, but also asks important questions about the organization's future: What are the barriers to it gaining more international legitimacy (recruitment and funding)? Why would other small navies and coast guards work with this group, or future organizations that choose to mimic its techniques and practices, going forward? In the 21st century, and in coming decades, what other maritime non-state groups —

from armed groups to private contractors — may challenge the dominion of states who seek to protect and control the vast maritime commons that are the world's oceans? How exactly should the navies of the free world interact with such groups? Professor Berube's case study on one such maritime actor begins to help elucidate the answers to these important and challenging questions.



Andrea Dew
CIWAG Co-Director



David A. Brown
CIWAG Co-Director

INTRODUCTION

Sea Shepherd: Eco-Vigilante to Legitimate Actor



Courtesy of SeaShepherd.org

In April 2015, the Sea Shepherd Conservation Society ship *Bob Barker* completed a 10,000-nautical-mile, 110-day chase of an illegal fishing trawler, the *Thunder*, from the Southern Ocean to West Africa, which would culminate in the scuttling of the trawler, the rescue of its crew, and the successful prosecution of its captain. Over the course of the chase, the *Bob Barker* worked with more than two dozen countries as well as Interpol. This event was a game-changer for Sea Shepherd, which had a four-decade history of touting itself as a “pirate” organization taking action on behalf of marine life. With the chase of the *Thunder*, Sea Shepherd demonstrated a willingness to work with nation states, and those nation states gave some legitimacy to it in return. This case study examines Sea Shepherd and also weighs the organization’s value as a business model for responding to the growing scarcity of marine food and the economic and national security implications of that challenge.

On December 3, 2014, the *Bob Barker* got underway from Australia. Its crew of nearly three dozen represented several different nationalities. The *Bob Barker* was built as a whaling vessel a few years after the end of World War II; when the mission started, it was on the registry lists as a fishery patrol vessel.¹ At 800 tons, it was one of the larger vessels in Sea Shepherd's maritime force and was the group's flagship.

Sea Shepherd captain Peter Hammarstedt was one day shy of his 30th birthday. A Swedish-American from Pennsylvania, Hammarstedt grew up with the organization he served and believed in. Like the midshipmen and officers during the Age of Sail, he worked his way through the positions on his organization's various ships to attain command. He developed a strategy, understood the logistics challenges ahead, and practiced the tactics he learned over the 12 years he has spent with the organization. He was caricatured on an episode of Comedy Channel's *South Park* in 2009, and he has charisma and the respect of the crew, earned after committing himself to more than a decade on maritime campaigns.² In person, Hammarstedt is intelligent, articulate, worldly, and possesses a good-natured sense of humor; he also has a depth, a steely conviction that would have made him a formidable opponent in the Age of Sail, or as any fellow officer in today's navy competing for promotion.³

Captain Hammarstedt's goal was to stop the poaching of Patagonian toothfish, which has been rebranded in the United States and sold under the name "Chilean sea bass."⁴ Marine protein is growing scarcer as fishing stocks are depleted due to overfishing and illegal fishing. "We adapt to diminishment," said Sea Shepherd founder Paul Watson. "As we overfish one species, [humans] target a previously uncommercial species and make them commercial."⁵

World per capita fish consumption is at historically high levels, according to the 2016 "State of World Fisheries and Agriculture" report of the Food and Agriculture Organization of the United Nations (FAO). Fish consumption has doubled in the past 50 years. A major contributor to the depletion of fish stocks is illegal, unreported, and unregulated (IUU) fishing. According to the World Wildlife Fund, "more than 85 percent of the world's fisheries have been pushed to or beyond their biological limits

and are in need of strict management plans to restore them.”⁶ FAO monitors 600 marine fish stocks and has reported 3% as “underexploited,” 20% “moderately exploited,” 52% “fully exploited,” 17% “overexploited,” and 7% as “depleted.”⁷ Reports of IUU fishing have varied based on regions. In the U.S., for example, 20 percent to 32 percent of imported wild-caught seafood is illegally caught; in other regions, it is as high as 50 percent. Globally, illegal fishing is an annual \$23 billion industry, which will likely rise as fish stock diminishes and consumer demand rises.

Illegal fishing trawlers can and do operate in the territorial waters of some states, usually those with a navy or coast guard that is too small or unfunded to secure those waters. They also exploit marine sanctuaries because those also lack proper enforcement mechanisms. For instance, the Galapagos Island Marine Reserve sees some 300,000 sharks removed annually.⁸ But the greatest opportunity for illegal fishing trawlers and their criminal networks is the open ocean, particularly in locations where few military or commercial ships operate. Unchallenged, they can sweep broad swaths of ocean of marine life.

One such area is what Hammarstedt terms “the Shadowlands” near the Banzare Bank, off Antarctica.⁹ There he hoped to find some sign of the Bandit 6—the nickname given to six rogue fishing trawlers wanted by Interpol.¹⁰ Due to changing registries, flags of convenience, and operational patterns, these trawlers, including the *Thunder*—the most “notorious” of the six¹¹—failed to be found, stopped, and prosecuted by any nation’s navy or coast guard ships. Two weeks after Hammarstedt left Australia, he found the *Thunder*.

A second Sea Shepherd ship, the *Sam Simon*, under Captain Siddarth Chakravarty, departed after the *Bob Barker*. Hammarstedt challenged the *Thunder* and began a chase on the high seas. For the next 110 days, *Bob Barker* tailed the *Thunder* and reported the illegal fishing trawler’s position, photographing it, gathering information, and using tactics to either slow it down or communicate with the crew. The chase continued through ice floes and 25- to 30-foot waves in some of the most isolated waters on earth. When they reached the waters 400 miles south of Africa, the *Thunder* “began making circles”¹² to conserve fuel. It was the start of what Ham-

Hammarstedt termed “the great drift.”¹³ Unsure how long this standoff would last, he assessed that the remaining fuel (370,000 litres) consumed at 500 litres per day would enable them to remain on station for two years. Because each Sea Shepherd crew is vegan, the ship had an ample supply of rice and beans to allow them to survive if necessary. The drift lasted months.

The chase then continued up the west coast of Africa, outside the territorial waters of Namibia, Angola, Democratic Republic of Congo, and Gabon. At one point, a legitimate fishing trawler joined in to work with the Sea Shepherd ships. One hundred and ten days into the chase, the *Thunder*’s captain abandoned ship and attempted to scuttle it 80 nautical miles off Sao Tome and Principe rather than be caught with the evidence. The captain likely chose Sao Tome to scuttle the ship because the island nation only had boats capable of operating about 20 nautical miles off the coast, so there would be no threat of discovery of its criminal actions by local forces. Smaller—and even larger—littoral states that do not have the funds, platforms, or capability to enforce their own waters increasingly find that illegal fishing vessels exploit this weakness. Three crew members from the *Bob Barker* boarded the sinking vessel, photographed toothfish in the hold, seized cell phones, computer hard drives, and nautical charts. All evidence was turned over to Interpol via German police in what had become the longest maritime pursuit in history. By pursuit’s end, Sea Shepherd had communicated and coordinated with two dozen countries.

By March 2016, the remaining illegal trawlers of the Bandit 6 had been captured or sunk in part due to Sea Shepherd. By July 2017, Sea Shepherd had assisted in the arrest of six illegal trawlers.¹⁴ For an organization that had been declared pirates by a U.S. Circuit Court of Appeals and terrorists by other entities, it was now operating with nation states in legitimate protection of fisheries.

The evidence in the case of the *Thunder* was used in the prosecution of the captain and two of his officers. They were convicted, given three-year prison sentences, and fined 15 million euros. Hammarstedt, who was at the trial and provided testimony, was later named as one of 20 candidates for the 2018 Pritzker Emerging Environmental Genius Award.¹⁵ In February 2019, he was awarded the Distinguished Service Order (DSO)—Liberia’s

highest military award—by Liberia’s president at the 62nd anniversary celebration of Armed Forces Day.¹⁶ Both Hammarstedt and Sea Shepherd were recognized for their support of the Liberian Coast Guard against IUU fishing. Such experiences and honors were a significant change for an environmental activist who had been arrested only a few years before in Canada for filming the killing of a seal.

Sea Shepherd is responding to the growing crisis of fish depletion rates. The presence of fewer fish, particularly in littoral regions of small states, has an immediate economic impact on nation states that have insufficient resources to patrol their own waters in response to illegal, unregulated, and unreported fishing. Countries like China can thus readily encroach on global fish stocks. The organization has succeeded in countering illegal fishing where private maritime security companies had hoped to but failed.

As Somali piracy manifested itself as a threat to commercial shipping off the Horn of Africa in the first decade of the 21st century, nations were slow to respond. They considered the threat too low-level for naval assets to be employed, particularly as there were too few ships to patrol the region. Instead, they left the problem for shipping companies to contend with. One response in the shipping industry was the reluctant addition of armed guards—the deterrent that seemed to be the most effective. Companies emerged offering services such as armed boats to escort commercial ships through the dangerous Gulf of Aden or the western Indian Ocean. A few of these companies found some success, while most failed. Blackwater, for example, tried to offer a patrol vessel of its own that, upon arrival in the Middle East, lacked clients willing to work with it. But anti-piracy escorts were not the ultimate goal, according to Blackwater’s founder, Erik Prince:

I think we can build a business model around enforcing a country’s fishing laws. We’d provide a boat like this. We’d take a fisheries officer or two from the host nation and we’d go out and enforce their laws and we’d get compensated by enforcing license fees and if there are repeat violators, you seize the boat. There’s impound fees to get the boat out. And we build a sustainable fisheries industry which will put locals to work. It’s their water for 200 miles. . . . In terms of piracy or illegal fishing, I think by dollar volume there’s a lot more illegal fishing going on the world than there is piracy.¹⁷

While Prince was not the only private security firm to propose this,¹⁸ none succeeded. An NGO—Sea Shepherd—filled that market vacuum by doing exactly what Prince had proposed.

How did Sea Shepherd emerge and change? This case study argues that three distinct phases define Sea Shepherd's evolution since its founding in 1977. These phases are based on organization, finances, platforms, methods, and missions. Phase 1 was characterized by vigilantism, driven by one individual's vision and the necessity to bring attention to the movement by nonlethal kinetic methods. Phase 2 was defined by the movement's popularization, largely due to a cable television series showcasing the organization's anti-whaling activities. The success of this phase enabled the organization to grow, raise money more easily, and expand awareness among advocates and environmental agnostics alike. The ongoing Phase 3 is a period of growing legitimization in which larger campaigns are conducted in concert with nation states. What shape the organization will assume in future years is uncertain.

| | Phase I | Phase II | Phase III |
|-----------------------|----------------------------|---|--|
| Goal | End whaling, sealing, etc. | End Japanese whaling | End IUU fishing |
| Strategy | Challenge on site | Reduce ability of Japanese to kill whales | Legitimate partnerships with host nations |
| Operations (annually) | 1 or 2 | 3 or 4 | 18 to 24 |
| Tactics | Media attention, sinking | Chasing, ramming | Localized patrols with armed law enforcement detachments |
| Platforms | Old, slow | Variety | New build or former state assets |

Figure Intro 1: The evolution of Sea Shepherd

Notes

1. Marine Traffic, accessed July 1, 2020 <https://www.marinetraffic.com/en/ais/details/ships/shipid:272567/mmsi:246847000/vessel:BOB%20BARKER/:76b30dd277ee5540f4e45126850dad52>
2. Interview by the author with former Sea Shepherd activists, 2011.
3. Interview with the author, 26 March 2018.
4. Journalist Ian Urbina notes that “Chilean sea bass” was conceptualized by a Los Angeles fish wholesaler. See Urbina, “The Outlaw Ocean” (New York Knopf, 2019) p. 8.
5. Interview with the author, 24 October 2016 in Woodstock, Vermont.
6. World Wildlife Fund, <http://www.worldwildlife.org/threats/overfishing> [accessed 29 July 2019]
7. General Situation of World Fish Stocks,” United Nations Food and Agriculture Organization, <http://www.fao.org/newsroom/common/ecg/1000505/en/stocks.pdf>
8. Adam Popescu, “Shark Fin Soup and Fishing Boats: Galapagos Sharks Under Threat,” *Washington Post*, January 22, 2019. https://www.washingtonpost.com/national/health-science/shark-fin-soup-and-fishing-boats-galapagos-sharks-under-threat/2019/01/18/d37aa1cc-053a-11e9-b5df-5d3874f1ac36_story.html; also interview by the author with Paul Watson, 24 October 2019.
9. Eskil Engdal and Kjetil Saeter, *Catching Thunder: The Story of the World’s Longest Sea Chase* (London: Zed Books, 2018), p. 4.
10. Urbina, p. 6.
11. Talk by Peter Hammarstedt at U.S. Naval Academy Museum, Annapolis, Maryland, 26 March 2018.
12. Urbina, p. 26.
13. Hammarstedt, Naval Academy Museum, 26 March 2018.
14. Hammarstedt, Naval Academy Museum, 26 March 2018.
15. <https://www.seashepherdglobal.org/latest-news/hammarstedt-pritzker/> [accessed 25 July 2019]; <https://www.ioes.ucla.edu/pritzker-genius/about-the-award/> [accessed 25 July 2019]
16. <https://www.maritime-executive.com/article/sea-shepherd-awarded-military-honor> [accessed 25 July 2019]
17. Interview with the author, 25 January 2009 aboard Blackwater’s ship “McArthur”; <http://cimsec.org/maritime-story-missing-civilian-warriors/9015> [accessed 26 July 2019]
18. See Claude Berube and Patrick Cullen, editors, *Maritime Private Security: Market Responses to Piracy, Terrorism, and Waterborne Security Risks in the 21st Century* (Abington: Routledge, 2012), Chapter 7, “Anti-Piracy Escorts in the Gulf of Aden,” pp. 74-85.

Phase I: Vigilantism on a Shoestring (1977–2006)



Courtesy of SeaShepherd.org

Sea Shepherd's first 30 years is important in understanding the organization's lengthy genesis. Its founder, Paul Watson, led with a top-down approach for its few paid staff and volunteers. From 1977 to 2001, Sea Shepherd conducted one or two missions annually, mostly focused on seals, whales, and in a few instances tuna. It primarily used former fishing trawlers that had endurance but lacked speed. The group conducted kinetic and dangerous activities such as sinking other vessels in ports. It conducted itself like a vigilante organization, mostly due to Watson's belief that it was doing what policy or enforcement officials could not or would not do. In many cases, it was held accountable like a vigilante group.

Watson's home office is filled with awards for his work, an extensive array of books, and models and prints of past and present Sea Shepherd vessels. He also has historical models such as the Confederate commerce raider *Shenandoah*, which attacked the Union's whaling fleet in the Pacific (a strategy previously used by Captain David Porter's USS *Essex* during the War of 1812 against British whalers).

"The [American] Civil War saved three species of whales. Under the command of James Waddell, the *Shenandoah* never killed anyone," said Watson, who considers the captains of the *Shenandoah* and *Alabama* as role models. Watson also recounted the story of the *Shenandoah*'s first officer, Dabney Scales: "Upon boarding a Yankee whaler, the captain asked Scales, 'Why are you preying upon a defenseless merchantman?' to which Scales replied, 'Because we've entered into a treaty both defensive with the whales to vanquish their mortal enemies.' Now he said it as a joke . . . but all the places I've fought for whales they fought in the same regions."¹⁹

"I intend to change the world," Watson wrote in 1994, 17 years after founding Sea Shepherd. He recounted a conversation in which anthropologist Margaret Mead said, "There has never been any positive social change initiated by governments or institutions. All progressive change has to come about because of the actions of individuals or small groups of individuals."²⁰ Such a boast may have seemed far-fetched when he was growing up in the fishing village of St. Andrews in New Brunswick, Canada. However, the organization he founded in 1977 still exists as of this writing. It has grown from a one-man operation to encompass thousands of volunteers and their Watson-issued mantra "direct action." The issues he has fought for—both literally and figuratively—have gained in national, regional, and global scope.²¹

At eighteen, Watson joined the Canadian Coast Guard, briefly serving on a variety of ships including a buoy tender, then went on the high seas as a merchant seaman. During this time, he also began his life of environmental activism. His first foray was with the Don't Make a Wave Committee in Canada, which protested nuclear weapons testing in Alaska. The organization evolved into the Greenpeace Foundation in 1972, in which Watson was an early founder. During the early 1970s, the committee and Greenpeace began using ships to protest incidents that impacted the environment. His activities garnered the attention of those studying eco-terrorism. In one assessment, the author provides a profile that suggests Watson's background was not uncommon for terrorists.²²

Ships became the mainstay because they were an attractive symbol to the media covering and consequently promoting their activities. Dr. Rebecca Gomperts sailed with Greenpeace in the late 1990s and founded Women on Waves in 1999, which provides abortion services on ships off the coasts of countries that restrict this procedure. When asked why she used ships,

she said “the ship is the visual.”²³ Similarly, the sight of a 100,000-ton aircraft carrier sends a message to potential adversaries, and a Chinese hospital ship in the Caribbean and South American waters attracts media coverage. Watson would take his environmental fight to sea, and the image of an activist ship would be one of the game-changers in Sea Shepherd’s existence.

In 1975, Watson was a crewman aboard a Greenpeace ship pursuing Soviet whalers off the coast of San Francisco. Canadian journalist and activist Robert Hunter was with him aboard the fast Zodiac boats and had the idea “to get between the harpoons and [sperm] whales.”²⁴ The Zodiacs were able to provide proof of the whalers’ activities using still photographs and videos, which would become a staple of the organization.

In the 1986 movie *Star Trek IV: The Voyage Home*, the Federation spaceship is placed between a Soviet harpoon vessel and the whales in order to save the whales. This echo is no accident. It illustrates another Watson and Sea Shepherd staple—ties to Hollywood. Watson says he gave actor William Shatner, who plays Federation Captain James T. Kirk, a line from the D.H. Lawrence poem “Whales Weep Not” that was used in the film. Was this accident or opportunity? Either way, it illustrates Sea Shepherd introducing its goals to a broader viewing public and popularizing its cause.

Watson learned the value of constant, consistent messaging while with Greenpeace, later writing: “Not a week passed . . . that we did not put out some sort of a public statement on our news story . . . it attracted wide public attention to our campaign.”²⁵ In Watson’s own words, “they were growing expert in propaganda . . . our efforts would all be wasted unless we could focus public attention on the message: Quit killing sea mammals.”²⁶

From University of Toronto Professor Marshall McLuhan, Watson learned that “the medium is the message . . . the media defines culture, and thus defines reality as it is perceived by human population.”²⁷ Effective employment of media means understanding what medium is needed. Television requires images and sound bites. Newspapers call for facts and a good headline. Sea Shepherd’s media machine has been expert for over 40 years in capturing the attention of traditional and new media, particularly with the television series *Whale Wars*, as we’ll see in Phase II of this study. Watson carefully documented each of his activities, whether anti-seal hunting or anti-whaling campaigns, or bringing attention to an issue with the support of Hollywood.

The use of Hollywood actors is particularly effective in garnering media attention and is, for example, a standard tactic on Capitol Hill. When a committee wants coverage, it will have an actor testify as well as experts. The same holds true for animal or environmental rights. In 1976, the defense of Canadian baby seals, which were being clubbed to death for their fur, received the attention and time of actress Brigitte Bardot. When she arrived, so did the cameras and wider media coverage. Margaret Trudeau, the wife of the Canadian prime minister at the time, added to the star power when she announced that she would “never wear a baby seal.”

Both Sea Shepherd and Watson received support from celebrities, including Dutch action star Rutger Hauer. After Hauer died in 2019, Watson wrote in tribute:

In 1997 I was held in a Dutch prison awaiting an extradition trial to Norway for sinking one of their illegal whaling ships, the *Nybraena*. I was held for 120 days and received incredible support from the Dutch public and most notably from Rutger Hauer who twice visited me at Lelystad Prison. Rutger helped mobilize other celebrities and the Dutch court ruled to release me without extradition to Norway.²⁸

Music groups provided fundraising opportunities as well as outreach to new generations of potential followers. For example, less than two years after their founding, the band the Red Hot Chili Peppers played a concert in support of the organization.²⁹

One measurement of effectiveness in media is the number of publications discussing an organization or issue. Sea Shepherd received moderate media response during Phase I. A year-by-year search of publication reports found that for the first 15 years of its existence, it received on average less than 50 stories per year. For the next 15 years, it averaged more than 300 reports. Most of these stories focused on the group’s vigilante aspects—attacking ships, arrests, and so forth. But in the world of activism and fundraising, sometimes even negative attention can be preferable to being ignored and unknown.

Policy changes are a major determination of how successful an organization is beyond simply attracting attention. Here as well, Sea Shepherd has had many successes, including the end of the Iki Island dolphin hunt in Japan and the Irish seal hunt in 1983, a 16-year hiatus of Icelandic commercial



Figure 1.1 Number of media stories, 1979–2019

whaling beginning in 1988, and a Canadian moratorium on salmon hunt in 1995, to name just a few.³⁰

Watson's experience with Greenpeace did not just teach him about media; he also learned valuable lessons about using ships against other platforms. The *Dalniy Vostok* was a 5,700-ton fishing trawler pursued by a chartered Greenpeace ship, the *Phyllis Cormack*, in 1975. *Phyllis Cormack* was a 35-year-old wooden-hulled fishing boat. At less than 100 tons, it was dwarfed by its prey. Further, its top speed was only eight knots, less than half the speed of the Soviet whaling ships.

Using data compiled by the Bureau of International Whaling since the 1930s that included the latitude and longitude for each identified whale, Greenpeace had developed a profile of where whaling ships were likely to hunt. When the *Phyllis Cormack* arrived in the area, it heard Russian communications over the radio and knew they were close.³¹ The chase ended after only 40 hours because it was running out of fuel. Nevertheless, the mission was not without success: The crew aboard a Zodiac had filmed a Soviet whaling ship firing its harpoon at a whale, and the film was picked up by broadcaster Walter Cronkite on the *CBS Evening News*.³²

Watson realized that he needed ships with range; the platforms he selected had to be appropriate for the mission. For the next mission, Greenpeace leased the *James Bay*, a 150-foot former Canadian Navy minesweeper with greater fuel capacity and the capability to deploy Zodiac boats.^{33 34}

In 1977, fellow Greenpeace members deemed his tactics too controversial and direct. According to Watson, they objected to his taking a club away from a sealer and throwing it in the water.³⁵ He was voted out of the organization as being “too activist” and acting as a “one-man vigilante squad.” He writes:

That struck me as both extreme and unfair. But the attention to the organization seemed directed more now at working out little boxes and chart and creating an international complex of Greenpeacers that would be controlled out of a super-headquarters in Vancouver.³⁶

That was the last lesson he would take away from his years with Greenpeace—in his view, the group spent too much time organizing and fundraising rather than taking action that had results. “A million dollars in newly raised funds,” Watson has argued, “would not make a man or a woman face up to clubs and harpoons.”

For an organization to succeed, it has to grow and decentralize. For Watson, this meant not building a large organization that had to be paid for through continual fundraising. On one voyage, Watson found “no matter how much we paid the hired hands, they were never satisfied. The volunteers worked hard and long, rarely balking at tasks assigned to them. They were, therefore, to be preferred.”³⁷ This preference has remained a staple of Sea Shepherd. The organization has a small paid staff to support basic functions and relies on volunteers for everything else. With administration costs thus far lower than other organizations, Sea Shepherd can devote most of its resources toward its campaigns.

With a mission and only \$100, Watson founded Earthforce in 1977, which would later become the Sea Shepherd Conservation Society. His strategic view was based on three fundamental laws: (1) all forms of life are interdependent; (2) diversity promotes stability; and (3) all resources are finite. As a result, he opted for direct action rather than nonviolent action, which, he argued, “has seldom produced beneficial change.”³⁸

The following year, he met with author and animal rights activist Cleveland Amory and convinced him that the way to confront seal hunting was with a ship, which was less dangerous than flying in, as Greenpeace did. Watson promised to find a vessel and within two weeks identified a trawler for \$120,000. He wanted a fishing boat because of its durability and economic benefits: “They

are built to operate in the roughest of seas, and, because the margin of profit is rather close in the fishing business, their engines are miserly in fuel consumption.”³⁹ With speed, capacity, economy, and efficiency, a 206-foot-long deep-water trawler was christened as the first *Sea Shepherd*. Watson’s selection of ships since 1978 is similar to private maritime security companies during the Somali piracy crisis in the early 21st century, which sought durable craft.

With no money to run the *Sea Shepherd*, he partnered with Dr. Bill Jordan with the Royal Society for the Prevention of Cruelty to Animals, who agreed to provide fuel. After a seal hunt in March 1979, Watson decided to pursue the pirate whaling ship *Sierra*, which had been condemned by the International Whaling Commission.

The *Sierra* was typical of oceangoing vessels: owned by one country, flagged by another, and sailed by an international crew. (Today, even Sea Shepherd’s ships follow this model.) Watson confronted the *Sierra* in dramatic fashion:

With 18 tons of concrete in her bow, *Sea Shepherd* was sure to survive, but 14 seamen left anyway. Watson and two others put to sea in a vessel that normally requires a crew of eight. Within minutes *Sea Shepherd* crossed *Sierra*’s bow, sheared off her harpoons, then wheeled around and hit her square amidships, ripping up deck and damaging the port cargo hold.⁴⁰

The *Sierra* was rammed “in such a way that no crew members would be hurt.”⁴¹ Given that no one can be certain how a ramming incident could unfold, such a kinetic and dangerous method is extremely risky. It is in Watson’s favor that no one has died or been critically injured from his tactics. The U.S. Navy has suffered far more casualties from accidents (such as USS *Fitzgerald* and USS *John S. McCain*) than Watson or Sea Shepherd ships have caused. Regardless, the incident was condemned by both the local authority (Portugal) and the IWC. Such has been the history of Sea Shepherd—direct action for violations and criticism for acting.

“Finding *Sierra* gave us momentum,” Watson explains, but as a new organization, the group had its challenges. Volunteers had to pay \$1,000 to crew the ship (today they only pay for their transportation to the ship). When the *Sea Shepherd* got to Panama, it had no money to pay the canal fee, so Watson gambled at the Washington Hotel casino and won. At a later stop in Alexandria, Virginia, he got donated fuel from a concrete tank, but with

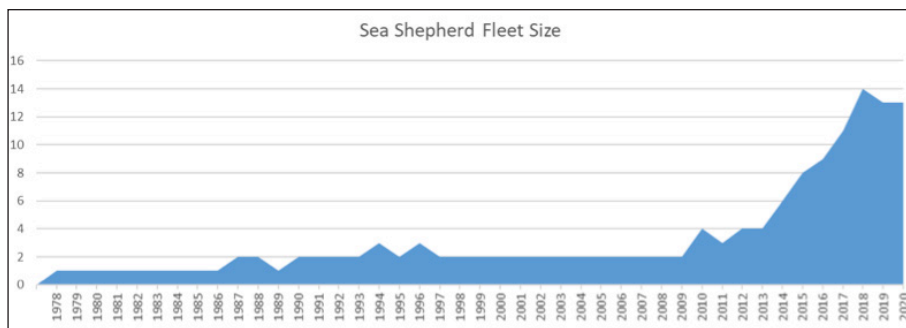


Figure 1.2. Sea Shepherd fleet size

no ability to extract it other than manually, the crew had to transport 30 to 40 tons of fuel via a bucket brigade.⁴² Watson got underway from Bermuda, but Shell Oil refused to sell him fuel. He eventually chased *Sierra* to Portugal, where it was rammed, then scuttled.

If Phase I of Sea Shepherd's history is heavily focused on Watson, it is not because he lacked disciples. Founding the organization with limited resources meant slow growth, but it did grow. From 1977 to 2007, the fleet size was stable, with only one or two ships at any time, and three ships in the fleet twice for brief periods.⁴³ Seven different ships were employed over the course of 30 years. Some served for two or three years, while three were in service for more than a decade. One—*Divine Wind*—only survived one campaign in Iceland and had to be scrapped after a ramming. *Whales Forever* was damaged during an engagement with the Norwegian Navy. *Cleveland Amory* was impounded by the Canadian government. The last ship during this period (*Sea Shepherd III*, which was renamed *Ocean Warrior (I)*, and then *Farley Mowat*) was phased out in 2008. One, the *Steve Irwin*, became a mainstay and flagship of the fleet until 2019. Most of the ships during Phase I were comparatively slow but durable trawlers.

Sea Shepherd began testing the waters of public-private partnerships in 2000 by providing resources to Ecuador's Galapagos province. With insufficient resources to patrol the 27,000 square miles of water from illegal fishing and poaching, the Galapagos National Park Service has worked with Sea Shepherd to provide that coverage, including the installation of automatic identification systems (which allows shipborne transceivers on legitimate ships to be potentially distinguished from illegitimate ships). The *Sirenian*,

a 95-foot patrol vessel, was donated by Sea Shepherd to the Galapagos National Park in partnership with the World Wildlife Fund, which donated \$400,000 to repair the ship and rename it. Sea Shepherd also provided K-9s trained in Europe, built kennels, fed them, and found homes for the dogs when they were retired. They were used to monitor airports to identify poached sea cucumbers and shark fins.

Another public-private maritime partnership attempt during this phase of Sea Shepherd's history was less successful. In 2011, the Pacific island nation of Palau signed a Memorandum of Understanding with Sea Shepherd in a public setting.⁴⁴ Sea Shepherd agreed to support Palau's anti-poaching efforts with a patrol vessel and crew. However, the agreement was terminated by Palau when Japan promised to provide a vessel.⁴⁵ According to Watson, he told the president of Palau that Japan would lean on them for the MOU; two weeks later, he says, Palau ripped up the agreement because Japan had threatened them economically.⁴⁶

Like criminal and terrorist organizations, Sea Shepherd has learned to operate between international legal seams and jurisdictions. Sea Shepherd contends that its activities at sea are guided by Sections 21–24 of the United Nations World Charter for Nature, which provides authority to individuals to act on behalf of and enforce international conservation laws. The group has filed criminal complaints against Japanese whalers in various jurisdictions, alleging wide-ranging infractions including piracy. Conversely, numerous legal actions have been taken against the Sea Shepherd organization and its members.⁴⁷ But is this interpretation of the Charter correct? International law professor Donald Anton argues that “the international legal context raises . . . insurmountable difficulties for this sort of private non-state enforcement . . . it is almost certainly unworkable at international law” and that “nothing in it authorizes the actions of Watson and Sea Shepherd . . . nothing in it confers authority on non-State actors.”⁴⁸

Defining Sea Shepherd has been difficult. The organization has used a modified pirate flag as its logo, and Watson admits that they were “seen as vigilantes, revolutionaries, and nonconformists.”⁴⁹ This held throughout Phase I of its history. In 1983, Watson and another member were arrested in Canada for interfering in a seal hunt. Canadian police tried boarding

their ship but found electric barbed wire, leading to the crew's arrest. In 1986, Sea Shepherd sank two whaling vessels in Iceland. In 1997, Watson was arrested by Dutch police and served 90 days in prison. These are but a few examples, but certainly the norm for an environmental or animal-rights activist. Just as Gomperts said that ships provide a visual for media, so too can arrests. Legal challenges simply generated more publicity.

Had Sea Shepherd remained at this operational level with this philosophy and tactics as an eco-vigilante organization, it would not have grown. It would have stagnated and become marginalized as one among many environmental groups. Several factors began to transform it, especially a television series that spanned the Phase II years—*Whale Wars*.

Discussion Questions

1. Does the U.S. or its partners have the ability and will to replace Sea Shepherd capabilities with their own maritime security forces? Why or why not?
2. What Sea Shepherd tactics could be emulated by the U.S. Navy or Coast Guard?
3. How do you define the organization: a terrorist organization, pirate, eco-vigilante, private security firm, environmental activist, something else? Explain your reasoning.
4. What challenges do states have working with Sea Shepherd or similar groups that use violence at early phases in their development? Why would a state be willing to cooperate with such a group?
5. Early in their existence, the Sea Shepherd crew were labeled pirates and terrorists. They later gained recognition as working in service of a greater good. Are there any currently existing groups you can think of (violent groups or peaceful NGO-type actors) that may have a chance of becoming partners with international institutions rather than being rhetorically exiled?
6. When state actors partner with all-volunteer groups, is there a risk that attempting to institutionalize the work being done may damage, or otherwise alter, the incentive structure that made the volunteer group successful in the first place?
7. What lessons could the DoD/national security community learn from Watson's commitment to persistent messaging?

8. Does the fact that an all-volunteer organization enforcing UN rules imply that existing state institutions are unable or unwilling to enforce international norms? Are the “rule makers” setting unrealistic goals when it comes to enforcing those rules?

Notes

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Phase II: Whale Wars (2007–2016)



Courtesy of SeaShepherd.org

“The world is a vampire.” So begin the lyrics to the Smashing Pumpkins’ song “Bullet with Butterfly Wings.” Billy Corgan, lead singer and founder of the Smashing Pumpkins, was a supporter of Sea Shepherd and would later serve on its board of advisors. Television viewers were reintroduced to this song in 2008 as the theme for a new show on the cable network Animal Planet’s new offering, *Whale Wars*.

Although the organization’s overall strategy remained the same during Phase II, from 2007–2016, the reality television show fundamentally changed how Sea Shepherd operated, raised money, organized, and was perceived. During this phase, Sea Shepherd concentrated most of its resources on challenging whaling ships from the Japanese Institute for Cetacean Research (which hunted and killed hundreds of whales annually) in the Southern Ocean, and continued to serve as a vigilante organization. *Whale Wars* not only helped to popularize Sea Shepherd; it helped pave the way, despite several serious bumps, to later legitimacy.

In 2005, Sea Shepherd was labeled terrorists by the Director-General of the ICR,⁵⁰ although not by the courts. However, on February 25, 2013, the U.S. Court of Appeals for the Ninth District ruled that the Sea Shepherd Conservation Society is a pirate organization,⁵¹ noting:

When you ram ships; hurl containers of acid; drag metal-reinforced ropes in the water to damage propellers and rudders; launch smoke bombs and flares with hooks; and point high-powered lasers at other ships, you are, without a doubt, a pirate.

According to Article 101 of the United Nations Convention on the Law of the Sea (UNCLOS), piracy consists of “any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew.” A lower court limited “private ends” to “financial enrichment,” but the Court of Appeals ruled that “private ends” is far broader than simply taking money, even though pirates historically have not attacked ships for any other reason than to take the ship, cargo, or ransom the crew. The definition of piracy does not include political ends—and this is where Sea Shepherd is different, since it does seek policy change.

The Ninth District ruling perhaps too broadly labeled Sea Shepherd, since the ruling did not distinguish its kinetic acts from its legitimate efforts. For example, Sea Shepherd is a 501(c)3 and has filed taxes and forms with the federal government each year of its existence. A “pirate organization” would, by definition, operate outside the bounds of government and provide no accountability. Further, Animal Planet would not have given a television show to Sea Shepherd if it was lawless; no one could argue that Animal Planet or another cable network would give a reality show to Somali pirates, who were at their height of activity during *Whale Wars*. That the fleet flies various national flags also suggests tacit approval, at least by some nations, thus affording it some legitimacy. Moreover, Sea Shepherd has worked with the sneaker giant Adidas to design a shoe made from plastic recovered from the ocean.⁵² Adidas is but one of a number of corporations involved with Sea Shepherd; none would risk litigation if the organization were an actual non-state actor such as a pirate or terrorist group.

Sea Shepherd is not just an organization, according to Watson: “it’s a movement.”⁵³ That may have not been true during Phase I since it had no

chapters, little diversity in its campaigns, and mostly focused on activities he organized. He was the mind and the voice of a new organization, but he was also the story. This changed during Phase II.

While Watson was the primary star of *Whale Wars*, he also had a very visible cast of supporting characters, as well as multiple ships. In 2013, when he was an international fugitive, he had to step down from paid positions anywhere Sea Shepherd was registered. The court decision also prevented him from serving as a ship's captain during the last campaigns in the Antarctic waters. However, he remained the organization's notional leader and spokesman.

Sea Shepherd began to adopt a model of franchising during this phase, decentralizing and empowering more national and local groups to become involved, organize, and broaden the missions. Sea Shepherd Global, based in the Netherlands, became the hub for most activity. The first chapter to appear was Sea Shepherd UK in 2005. It would take another five years until the next chapter was founded.

Watson set three rules that a group had to agree to when applying to become a Sea Shepherd chapter. First, it could use aggressive nonviolence, but nothing could be done to risk killing or injuring someone. Second, a chapter could not compromise or make deals. Third, the chapter could not invest money into promotion and fundraising. That is not to say it could not fundraise; it simply could not spend money to do so. Chapters could then propose their mission to Sea Shepherd Global. In this way, Sea Shepherd expanded its activities from Phase I's focus on whales and seals. Other chapter restrictions included the organization's logo. Sea Shepherd Global and Sea Shepherd USA owned the logo, much like McDonald's headquarters owns the golden arches. The organization went to court over improper use of the logo in at least two instances in Costa Rica and Mexico, the latter in which a dive company was selling t-shirts with unauthorized use of the logo.

Whale Wars was a boon to the emergence of chapters. In the view of one senior Sea Shepherd official, "*Whale Wars* was in its stride, and whaling campaigns needed a lot of money, so there was a push to increase all revenue to pay for this. Chapters were seen as ideal, but were also just part of organic growth due to the TV show going out to cable channels around the world."⁵⁴

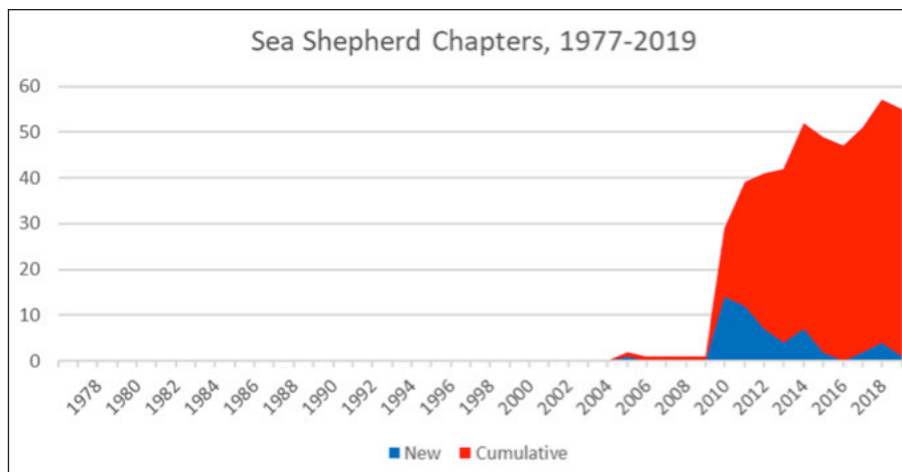


Figure 2.1 Sea Shepherd chapters 1977–2019

Chapters emerged such as Sea Shepherd France, Sea Shepherd Australia, Sea Shepherd Netherlands, and elsewhere. “Each country’s entity is self-reliant,” Watson explains. Each makes its own decisions, has its own board of directors, raises its own money, and determines its own campaigns. Sea Shepherd as a whole has fewer than 30 full-time employees and relies heavily on hundreds of ship-and shore-based volunteers.

As of late 2019, Sea Shepherd had 54 chapters globally (see Figure 2.1). Prior to 2010, it had one, in the United Kingdom. In 2010, 14 chapters were created; the following year saw another 12. The number of new chapters fell dramatically after that, probably for two reasons. First, the market was saturated in the high-interest countries and cities during the first two years that chapters were allowed to be established. Second, *Whale Wars* was starting to lose viewers by 2015, so regular reminders about the organization’s existence tapered off. What the chapters’ development does show, however, is public interest in becoming part of a greater environmental effort. Despite this, as with other issues, no comprehensive assessment of the organization has been conducted. Sea Shepherd itself is unaware when chapters exactly started because of its organic nature. “No one knows 100%,” one senior staff member wrote.⁵⁵

Phase II led to other organizational changes. While many of the Sea Shepherd entities may seem interchangeable in the media, they must be distinguished in order to understand the structure.

Sea Shepherd, as its promotional material states, is a global movement to defend, conserve, and protect marine wildlife. Sea Shepherd Global is the coordinating body for all independent Sea Shepherd groups, except for the U.S.-based Sea Shepherd Conservation Society (SSCS), which is financially and legally distinct from Sea Shepherd Global and other national entities.

In 2015, the U.S. Ninth Circuit Court of Appeals ordered the U.S.-based SSCS to pay \$2.55 million to the Japanese Institute for breaching a 2012 U.S. court injunction to stay clear of Japanese whaling vessels in the Southern Ocean.⁵⁶ As a result, Sea Shepherd shifted roles and responsibilities for its Southern Ocean campaigns to Sea Shepherd Australia, while Sea Shepherd USA focused on litigation.⁵⁷ Sea Shepherd Global can request funds from all entities based on what campaigns are underway and under whatever the entity banner is, whether Sea Shepherd France, Sea Shepherd Germany, or so on.

The organization has remained lean. In 2016, Sea Shepherd USA had seven employees, Sea Shepherd France three employees, Sea Shepherd Global two



Figure 2.2 Sea Shepherd areas of responsibility in 2019

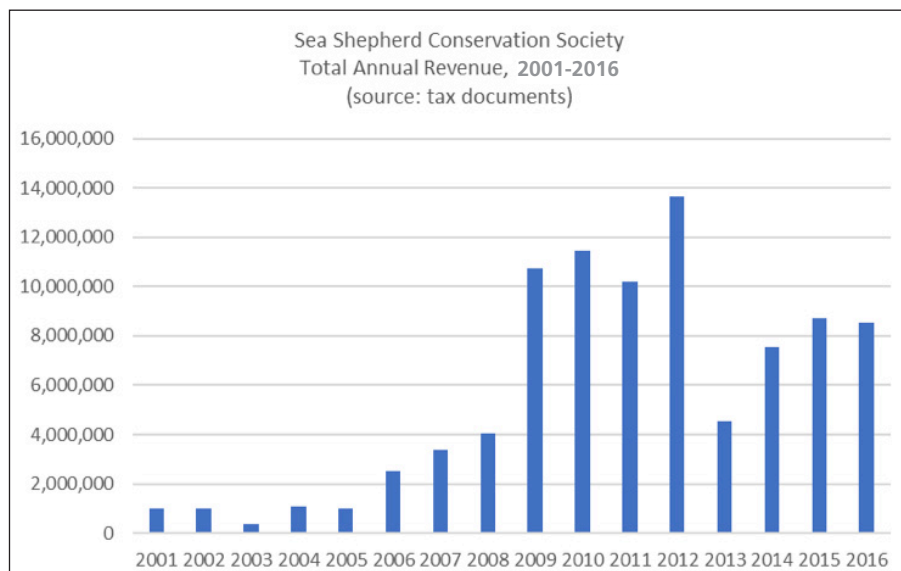


Figure 2.3 Total annual revenue, 2001–2016

employees, and Sea Shepherd Australia seven employees. At any time, some 450 volunteers are on ships and other campaigns. The organization can call upon some three thousand volunteers. Not all individuals applying to volunteer are accepted. Each is vetted based on the skills needed for each ship and the skills they bring, as well as if they are joining for the right reason.⁵⁸

The injunctions and litigation also changed the organization's funding structure. Tax records show it received between \$1 million and \$4 million annually from 2001 to 2006. *Whale Wars* ballooned revenues between 2009 to 2012, when Sea Shepherd received roughly \$12 million annually. Costs increased accordingly with the operations of new and more ships for its Southern Ocean campaigns.⁵⁹ In some years, the organization spent about 85 percent on campaign programs, eight percent on administration, and only six percent on fundraising. Compare this to Greenpeace, which spends about 31 percent on fundraising.⁶⁰

During Phase II, the organization also adopted a military characteristic in naming its campaigns. The U.S. military names its campaigns, such as Operation Overlord or Operation Desert Storm. In 2007, Sea Shepherd launched Operation Leviathan, a major campaign against Japanese whalers.

Others were named to provoke the Japanese, such as Operation Divine Wind (2011–12), the name for kamikazes and the storms that saved Japan in the 13th century from Mongol fleets. The mission of the campaigns also began to diversify as the chapters emerged. Beyond whales and dolphins, chapters identified localized marine life such as sea urchins and sharks.

Between *Whale Wars* and court activity, Sea Shepherd garnered extensive media attention during Phase II. From 2007 to 2015, the organization was mentioned or the subject of more than 2,500 media stories annually, more than an eight-fold increase from Phase I.

Phase II also represented an evolution in the size and makeup of Sea Shepherd's forces. Three larger ships like the *Bob Barker*, *Steve Irwin*, and *Sam Simon* became the core of the new fleet, with the fuel capacity to conduct long-range, sustained operations. Sea Shepherd's revenue stream includes direct support from public figures, and ships such as the above were named after benefactors. Sea Shepherd also named one of its helicopters, the *Nancy Burnett*, after the president of United Activists for Human Rights.⁶¹ Again, this is similar to the U.S. Navy's practice. Admiral Hyman Rickover famously said that "fish don't vote" when he changed the naming convention for submarines from fish to American cities in seeking congressional support for the new *Los Angeles*-class attack submarine.

Each ship had operational benefits. Due to *Bob Barker's* fuel capacity, it served as a replenishment ship to the *Steve Irwin* and others. Each campaign in the Southern Ocean suggests an adaption to changing conditions and an effort to find a specific working formula for that campaign. In 2009, the organization used the *Ady Gil*, a 78-foot-long high-speed trimaran, as a scouting vessel. A subsequent collision with a Japanese whaling ship resulted in its loss.⁶² In 2010, Sea Shepherd added a larger trimaran named the *Gozira* (again to taunt the Japanese with a derivative of Godzilla), later renamed after Brigitte Bardot. The ship was capable of 27 knots, faster than any other ship in the fleet.

For most campaigns, the *Steve Irwin* had a helicopter for better reconnaissance. The fleet tested drones in 2011, but at least one proved difficult to maneuver in high winds. Jet skis were added the following year.

Paint schemes for the ships have changed over time. Watson originally ordered the ships painted black since it signified change to the Japanese, based on their history with the first Portuguese ships and then the American squadron under Commodore Matthew Perry in 1854. While black ships were acceptable in Antarctic water, however, the color made the ships too hot elsewhere. The *Steve Irwin* received a blue, black, gray, and white dazzle camouflage pattern reminiscent of World War I when it transited the Gulf of Aden en route to the Libyan coast in 2011. Since this was during the height of Somali piracy, a large “77” was painted on the hull and wooden “guns” mounted to make it appear as a warship. The ruse apparently succeeded, since pirates veered away and at least one coalition helicopter hailed it asking what country the “warship” belonged to.⁶³

Sea Shepherd also has a rudimentary intelligence network using radio direction finding and tipsters from cruise ship passengers and other vessels to locate the Japanese whaling fleet. What the U.S. intelligence community calls “opsec”—operational security—is in place. Passengers and crew are not permitted to send any email during a campaign that might suggest where they are located or what they are doing.⁶⁴

Sea Shepherd’s mainstay tactic is to harass Japanese whaling ships to disrupt their operations, either through dangerous navigational practices or through intentional ramming. Additionally, small boats are used to launch attacks intended to be disruptive to whaling operations or the ship’s mobility. In the past, these attacks have included throwing rancid butter to taint whale meat and launching fouling lines to ensnare the ships’ propellers. Sea Shepherd has also launched teams to board the whalers. The organization’s use of media has been helpful in spreading news about campaigns, especially while underway. During one campaign, crew members included a live-stream operator so viewers could watch a real-time chase of Japanese whaling ships.

Similar to illicit traffickers, illegal fishing trawlers, and historical pirates, Sea Shepherd will shift operations and flag registries from country to country as necessary to stay one step ahead of the law. At one point, the *Steve Irwin* was Dutch-flagged, the *Bob Barker* was Togo-flagged, and *Ady Gil* flagged in New Zealand. Because of the organization’s nonprofit status, they are not subject to the regulations of merchant ships. For example, at least one

ship is registered by the Netherlands as a motor yacht vice a motor vessel; a motor yacht does not require a qualified crew or even licensed captain, much like a small personal pleasure craft. This also gives Sea Shepherd far more flexibility when challenging other ships at sea: “commercial vessels are required to have a paid crew, whereas Sea Shepherd primarily crews its vessels with volunteers.”⁶⁵

Sea Shepherd crews became more international and experienced during this period. Approximately one-third of the crew had multiple deployments on its ships.

A small boat capsized as it was being launched on *Whale Wars*, leading to criticism of the crew’s inexperience. Watson stated that this incident occurred during training: “The boat operator was not supposed to put people in when lowered but he was trying to impress a camerawoman.”⁶⁶ Jane Taylor, a former U.S. Navy Surface Warfare Officer, recommended checklists to improve safety and reduce launching time, but the first mate opposed them.⁶⁷ Nonetheless, the crew has four-hour watches like naval vessels and has mandated shipboard training. On at least one ship, medical training was provided every third day of the campaign. The crew of Sea Shepherd ships also appears to be, on average, about a decade older than the average U.S. Navy ship crew.

After the first season of *Whale Wars*, crew began wearing a uniform of sorts—Sea Shepherd gear—which both “instilled a sense of professionalism and orderliness amongst the crew and also projected this image for the television cameras.”⁶⁸

While the ships were successfully garnering attention in the Southern Ocean, Watson was utilizing high-visibility board members and activists. For example, he sent board member and actress Pamela Anderson to Russia to speak about the transportation of whale meat. According to Watson, Putin put a stop to the practice after her appeal.⁶⁹

Phase II was important for the organization’s evolution. The success of *Whale Wars* was not in stopping whaling, but in exposing Sea Shepherd’s work to a much larger international community beyond traditional environmental activists. Its appeal led to the organic emergence of chapters

throughout the world. Revenue through donations increased significantly. And, despite litigation that might have led to a different outcome for actual pirates or illegitimate non-state actors, Sea Shepherd achieved a proto-legitimacy. Countries continued to permit it to flag its vessels, corporations partnered with it, and the reporting mechanism by which it remained a nonprofit organization in the United States demonstrated that it would not be disbanded. The organization built upon these issues to reach a turning point in its next phase.

Discussion Questions

1. What are the risks and rewards of adopting the decentralized franchising model discussed in Phase II? How could those risks be mitigated?
2. Discuss the implications if a more radical group emerged with the same maritime interests as Sea Shepherd.
3. Sea Shepherd gained support and legitimacy in part because of the television show *Whale Wars*. Discuss the role media can play in legitimizing these kind of groups.
4. What are the advantages of having many decentralized chapters instead of a single organization? What are the disadvantages?
5. Are there other volunteer organizations that use a franchising model of growth similar to that of Sea Shepherd? Could this model be successful for an organization that operates in a less dramatic and TV-friendly way?

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62. The *Ady Gil* was owned by captain Peter Bethune, who sailed it as part of the Southern Oceans campaign. A disagreement evolved between Bethune, who claimed Watson ordered him to be in harm's way, and Watson, who denies that. The issue became more pronounced when Bethune was arrested by Japanese authorities when he boarded a Japanese vessel demanding reparations. <https://www.seashepherd.org.uk/news-and-commentary/news/pete-bethune-and-sea-shepherd-settle-long-running-legal-dispute.html> See also Murphy, Dan, "Whale Wars: Investigation into the Sinking of Sea Shepherd *Ady Gil*," *The Christian Science Monitor*, January 7, 2010.
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Phase III: Public-Private Partnerships in Maritime Security (2016–Present)



Courtesy of SeaShepherd.org

Sea Shepherd fundamentally changed after Phase II, transforming into a legitimized actor in supporting traditional state functions. In Phase III, it has found how its interests align with some national interests on the ocean and has become pragmatic without losing its core mission. Some countries have recognized that they do not have the assets to protect themselves from the economic threat posed by IUU fishing and have partnered with Sea Shepherd for assistance.

Part of Sea Shepherd's change has been the emergence of a new generation of leaders. It is unlikely this would have occurred had the fleet not grown with each Southern Ocean campaign. Watson has encouraged organic leadership, saying, "I want someone who grows into the position, not because I put them there."⁷⁰ Some say, however, that "within the SSCS . . . Watson acts as the supreme leader and dictator" or "anarchy run by God."⁷¹ Peter Hammarstedt, director of ship operations for Sea Shepherd Global, suggests

that the younger generation is more conservative and much more cautious in their approach.⁷² This was echoed by another captain who said that ramming ships is a thing of the past and that there are better way to achieve results.⁷³ More importantly, Sea Shepherd now sees itself differently, Hammarstedt says: “It is not a protest organization; it is a law-enforcement organization.”⁷⁴

Successive generations of nonstate actors tend to be more violent or activist in their approach. Competing insurgents in Iraq, for example, competed in one-upsmanship in their violence to gain more attention and support. Sea Shepherd has not experienced that effect because some of its more activist members have left to establish or join other groups. Sea Shepherd co-founder Alex Pacheco (who was involved with the 1979 *Sierra* incident) became a co-founder of the People for the Ethical Treatment of Animals (PETA). Kenneth O’Keefe, a former regional director for Sea Shepherd Hawaii, participated in the first Gaza flotilla raid. Rod Coronado, who in 1986 helped sink two Icelandic whaling ships, went on to join the Earth Liberation Front and Animal Liberation Front, both of which are considered domestic terrorist threats by the Federal Bureau of Investigation.⁷⁵ Pia Klemp, who worked her way up ship positions during Sea Shepherd’s Southern Ocean campaigns, commanded two rescue ships in the Mediterranean Sea during the migrant crisis in 2018. Madeleine Habib, a former Sea Shepherd captain, has worked for Greenpeace, Médecins San Frontières, and, in 2016, the Freedom Flotilla Coalition’s Women’s Boat to Gaza, which was intercepted by the Israelis.

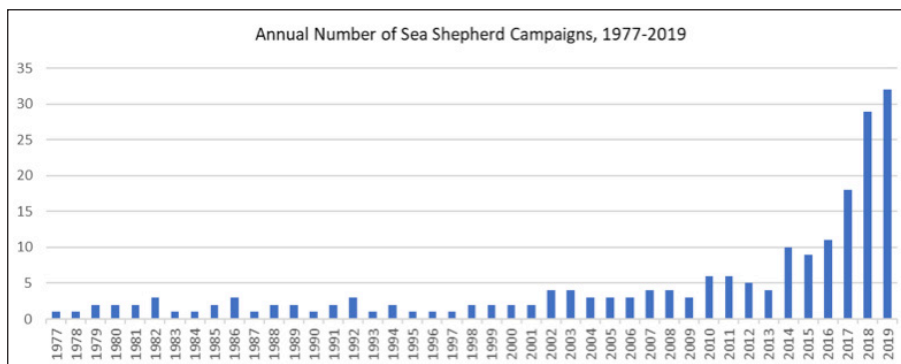


Figure 3.1 Annual number of campaigns, 1977–2019

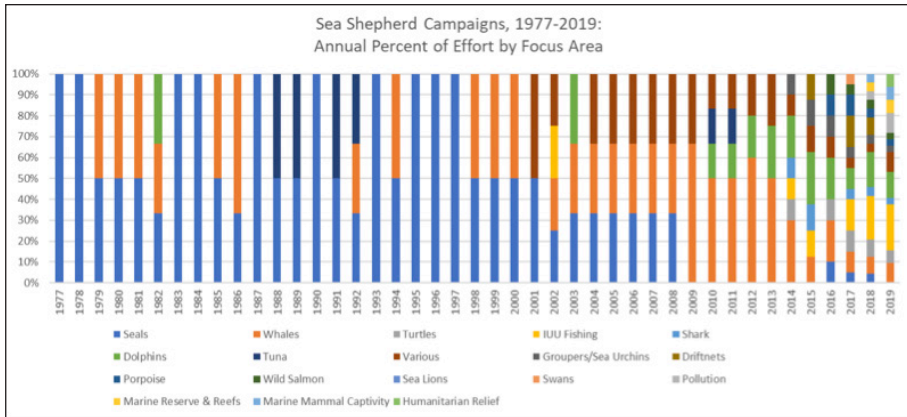


Figure 3.2 Campaign focus areas, 1977–2019

In the meantime, Sea Shepherd has begun appealing to professional mariners and military veterans. During the Southern Oceans campaigns, two of the more visible veterans were Taylor, the former SWO and a graduate of the U.S. Naval Academy, and Chris Aultman, a helicopter pilot who served in the U.S. Marine Corps. After retiring as the Italian Navy’s Chief of Staff in 2016, Admiral Giuseppe De Giorgi joined Sea Shepherd as a deck hand and as of 2019 commanded *Ocean Warrior*.

Funding for Sea Shepherd remains relatively balanced. In 2012, its chief financial officer stated that approximately 84 percent of funding is derived from individual donors and 16 percent from merchandise. As a result of *Whale Wars*, the internal estimates were 60 percent from individual donors, 10 percent from large contributors, and 30 percent from merchandise, as well as an annual 900,000 euros from the Dutch Postcode Lottery.⁷⁶

The expansion of chapters significantly increased and diversified the environmental issues being addressed. During Phase I, Sea Shepherd managed one to four campaigns per year. At the end of Phase II, it managed 10 campaigns. In Phase III, it has managed up to 33 campaigns a year, with a range of missions.

One game-changer in Phase III was the construction of a ship from the keel up. The Dutch Postcode Lottery has an annual competition for funding to nongovernmental organizations. Awarded more than \$9 million in a 2015 “dream project” competition, Sea Shepherd built MV *Ocean Warrior* at a

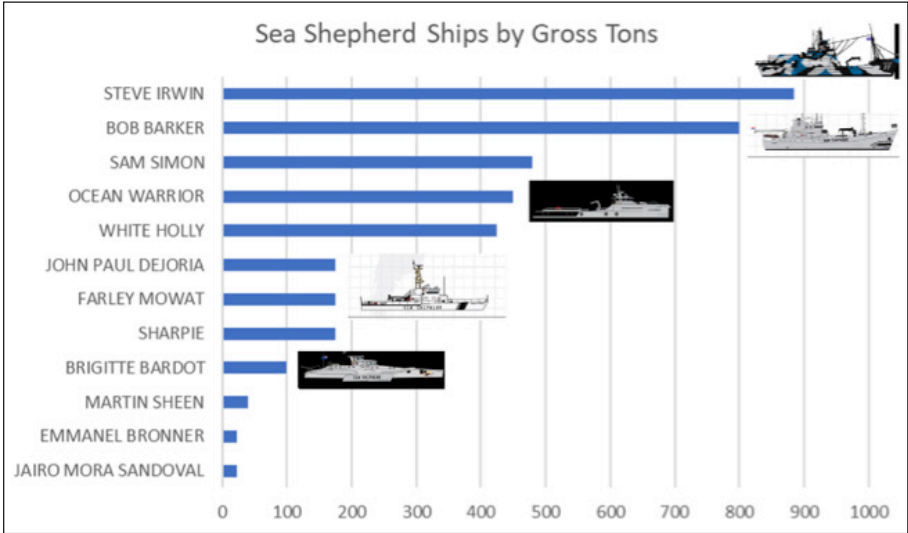


Figure 3.3 Sea Shepherd ships by gross tons

Damen shipyard that constructed similar designs for the maritime security industry. The upgraded, steel-hulled ship launched in July 2016. It had more powerful engines than other ships in the fleet, room for a 14-person crew, and a large water cannon.

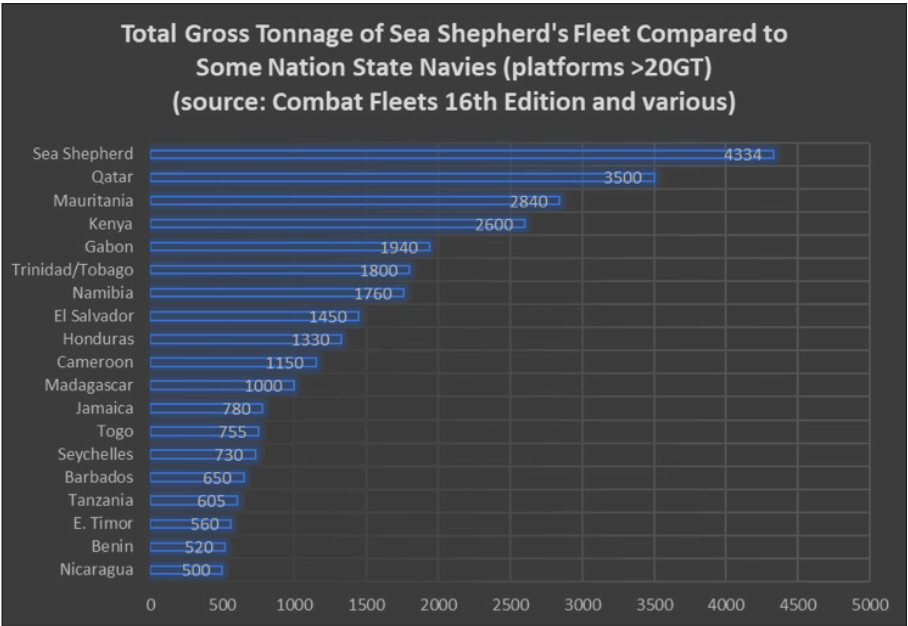


Figure 3.4 Sea Shepherd gross tonnage versus some nation states

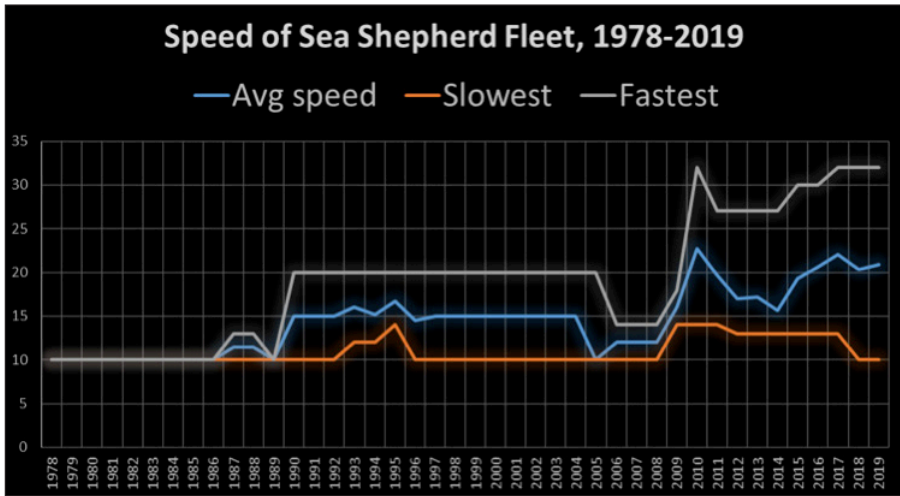


Figure 3.5 Fleet speed, 1978–2019

Sea Shepherd also added former Coast Guard ships. Three former *Island*-class cutters became the *Farley Mowat II*, the *John Paul Deloria*, and the *Sharpie*. A fourth *Island*-class cutter was purchased by Sea Shepherd, but as a result of new regulations it could not be used as a ship and was made inoperable by cutting the hull. The group instead used it for spare parts for the other three ships. In 2018, Sea Shepherd purchased the *White Holly*, a former U.S. Coast Guard buoy tender. With that addition, the organization had a functional fleet of 12 ships, and nearly all are built for endurance.

Sea Shepherd's fleet is nearly 4,000 gross tons. While this may seem insignificant compared to a navy or a coast guard fleet, Sea Shepherd has a larger fleet than many smaller nations in terms of gross tonnage or, in some cases, the number of ships over 20 tons.

Critics may argue that Sea Shepherd ships cannot compare to these navies or coasts guard for two reasons: purpose and weapons. As Sea Shepherd has proven, most of its ships operate or have operated in blue water environments and in some of the most distant and inhospitable maritime climates. None of the countries in Figure 3.4 operate out of its own territorial waters. While an argument could be made that the other countries have armed vessels, Sea Shepherd does as well. Finally, Watson's problem in Phase I with ships being too slow has been rectified, as the average speed of the fleet has increased significantly (see Figure 3.5).

Sea Shepherd also has an advantage regarding food, as the chase of the *Thunder* demonstrated. The ships are vegan. Without meat or dairy aboard, they do not have to report to the local Department of Agriculture for inspections. This facilitates quick entry and exit of any port and also saves money. The organization has tested methods of providing fresher produce for its crew. For example, the *Sam Simon* built a hydroponics garden because it had a large enough space. Most of the other ships in the fleet do not have the extra room, however.

No issue has impacted Sea Shepherd more in solidifying its legitimacy during Phase III than partnerships with countries in maritime law enforcement. Some partnerships have failed due to internal governmental opposition. The minister of fisheries for Senegal, for example, invited Sea Shepherd to conduct fisheries patrols for six months. According to Watson, the Senegalese Navy kicked them out because “we interfered with the navy’s money from the European trawlers.”⁷⁷

Following the high-profile chase of the *Thunder*, Sea Shepherd was approached by other countries. Hammarstedt understood the opportunity—Sea Shepherd

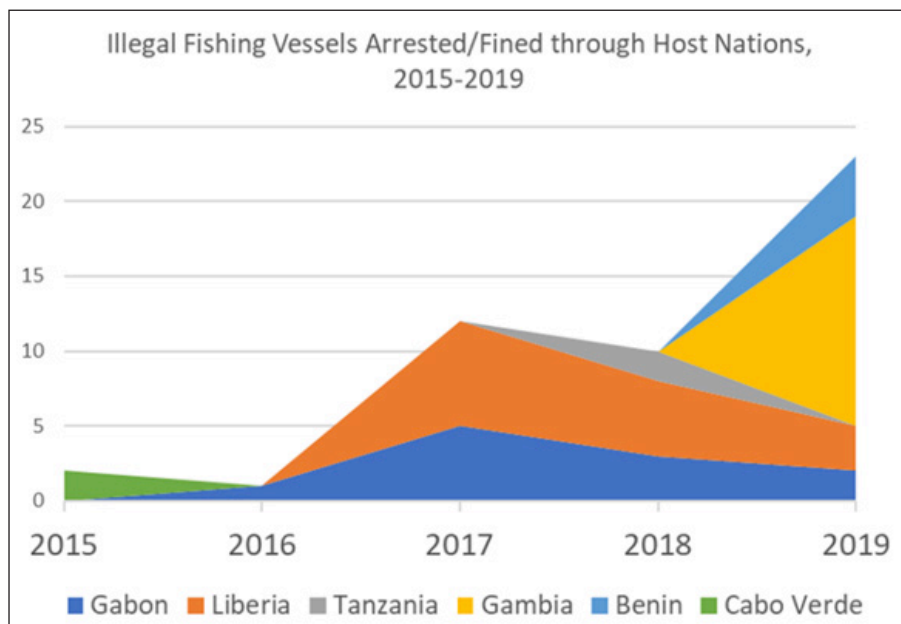


Figure 3.6 Arrests/Fines, 2015–2019

had to work in partnership with governments that had inadequate resources. In various countries the on-board teams may be law enforcement, navy, coast guard, or fisheries officers.

Gabon was the first African country to reach out, in April 2016. Although up to 20 percent of Atlantic tuna is caught within Gabon's territorial waters, the country does not have the assets to patrol its own waters. Sea Shepherd signed a ship rider agreement in which it would provide the platform, crew, and fuel, and Gabon would provide an armed law enforcement detachment (LEDET) under whose authority the ship would operate. In 2016 alone, Sea Shepherd, in its partnership with Gabon, conducted more



Figure 3.7 Scope of success. (Courtesy of Sea Shepherd Conservation Society)

than 40 boardings and inspections. This has acted as a deterrent to illegal trawlers that had not been boarded previously.

Since February 2017, Sea Shepherd has been working in partnership with Liberian authorities in Operation Sola Stella on joint at-sea patrols, which have resulted in the arrest of 14 fishing vessels for illegal fishing and other fisheries crimes. The partnership was recognized in an official government citation that was read during a celebration recognizing Peter Hammarstedt and the Sea Shepherd organization.

Since 2017, Sea Shepherd's Operation Milagro in the Sea of Cortez (Gulf of California) has attempted to protect the vaquita porpoises. During one season, all three former Coast Guard *Island*-class cutters operated there, with Mexican navy and law enforcement aboard. Poachers have fired at Sea Shepherd's drones, but the organization has removed more than 500 pieces of illegal fishing gear that threaten the porpoises.⁷⁸ Mexico has given permission to Sea Shepherd to confiscate nets. They can gather that evidence and turn it over to the navy.

Operation Jodari began in January 2018 with the government of Tanzania, resulting in 10 arrests.⁷⁹ In early 2019, Sea Shepherd began working with the Namibian Ministry of Fisheries and Marine Resources to patrol its Exclusive Economic Zone. In August 2019, Operation Gambian Coastal Defense resulted in the arrest of 14 illegal trawlers within its first two months.⁸⁰ In December 2019, Sea Shepherd worked with the Beninese Navy in arresting four fishing vessels.⁸¹ By these measures, Sea Shepherd has grown into an effective force in protecting some coastal waters from illegal fishing trawlers.

It is ironic that the organization is partnering with Costa Rica to protect Cocos Island.⁸² In 2002, Sea Shepherd engaged an illegal vessel in Costa Rican waters, and 10 years later Watson was arrested on those charges in Germany, leading to his escape to Antarctica. In March 2019, the government dropped its charges against him.⁸³ Six months previously, the Costa Rican Minister of Environment called Watson "a hero."⁸⁴ The pariahs and eco-terrorists had become part of the solution.

Discussion Questions

1. Under what scenarios, if any, might the U.S. might partner with Sea Shepherd?
2. Mao's theory of revolution also uses three phases. To what extent does the Sea Shepherd's strategic development mirror those stages? How does it differ?
3. One key point of Sea Shepherd's branding is non-lethal engagements. If that changed, what would the repercussions be? How could they be mitigated?
4. How might an illegal fishing syndicate diminish Sea Shepherd's effectiveness? If a state sponsor of illegal fishing wanted to remove Sea Shepherd's ships from working with partner nations, what tools might be at its disposal?
5. Does the existence of Sea Shepherd result in a net gain or loss for the navy or coast guard of any particular country in terms of their own missions? Are they in any way delegitimized?
6. What are the ramifications (legal, political, other) of law enforcement personnel conducting official duty as passengers of an NGO's vessel? Are they at risk of losing any sort of protected status in the event of a confrontation with a vessel belonging to another nation? If not, should they consider partnering in this manner?

Notes

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Phase IV: The Far Horizon (Present—?)



Courtesy of SeaShepherd.org

How long will Phase III last? Barring interference from governments, corporations, or other entities, it is sustainable in the near future. The fleet is finite, and enough countries support their endeavors. One factor that could change the situation would be diplomatic efforts for countries to cease cooperating with Sea Shepherd, particularly since many illegal and legal fishing trawlers support mainland China. This diplomatic strong-arming would not be unprecedented: China has used soft power to convert several Caribbean and Central American nations from recognizing Taiwan at the United Nations to recognizing mainland China. If this occurs, then Sea Shepherd would likely revert to Phase II or even Phase I conditions, increasingly isolated from the global maritime commons.

If this does not occur, how might a Phase IV be imagined? As with any business model, if Sea Shepherd is to grow—particularly with its fleet—it will have to raise money for more managerial salaries and costs associated with the fleet such as fuel, maintenance, and in some cases professionals

like captains and engineers. To do this, it will have to reach out to donors who would have been unlikely to contribute to an earlier phase of the organization. Rather than endorsing a vigilante organization, more moderate donors would see the benefit of an organization working with states to provide maritime security in a legitimate manner under the rule of law. A second option would be direct payment of client services from nation-states. While this might be unpalatable to the more purist element of environmental activists, it has a pragmatic aspect. Countries that can't afford full-time navies or coast guards would be able to contribute to Sea Shepherd for the platform and crew, a miniscule cost compared to the cost of fishing loss from IUU trawlers.

Another reality and challenge awaits Sea Shepherd in the next decade or two: the simple truth of mortality and its impact on heirs to the throne. For more than four decades, Paul Watson has built and guided Sea Shepherd. Although his disciples have contributed to the organization's successes, any monarchy, state, business, or NGO faces a potential crisis when a long-term leader is no longer available to provide stability. At some point, Sea Shepherd will be without Paul Watson. The organization must plan for that eventuality. The next generation of leaders—the captains and chapter directors—all have potential, but Peter Hammarstedt appears to have the experience, credibility, charisma, and respect among the organization's extensive network of volunteers. With more than a decade and a half with the organization, he understands Watson's goals. Given his youth (he was born in 1984), he also has the best chance to provide long-term stability and continuity of the organization. He sees a different future for Sea Shepherd, a future not of fouled propellers and ramming but of working in tandem with host nations to mitigate IUU fishing, ensure maritime security of territorial waters, and working with nations and Interpol to track down illicit actors on the high seas.

As an NGO, Sea Shepherd illustrates how they might meet the need of state missions. Some within the U.S. Navy or Coast Guard might argue that paying attention to such an organization serves no purpose. Nevertheless, it is important to understand how maritime non-state actors or NGOs can meet the needs of their missions. Sea Shepherd has identified and, with

partnered nations, has brought more than two dozen illegal fishing trawlers to justice, when most countries either did not have or did not want to expend the resources to do so. Sea Shepherd—the organization that originally attacked or sunk illegal trawlers in its first decades—has transitioned to a legitimate force multiplier for smaller nation-states in securing their seas.

It is essential to recognize the underlying reason for part of Sea Shepherd's work: fish depletion due to overfishing and illegal fishing as it pertains to the world's greatest threat to marine protein—China. Data compiled since 1950 shows a disturbing reality. China has overfished its local waters, such as the South China Sea, and as a result has sent its fishing fleet around the world, seizing what it can. Conflicts over this diminishing resource include ramming and weapons fire with regional countries' fishing vessels such as Vietnam, the Philippines, and others. In recent years, trawlers have created sparks in more distant waters off Chile and Argentina. Eventually, battles over fish will move beyond fishing vessels as China's growing navy will be expected to protect its commercial fleet. Sea Shepherd's work may simply be the canary in the coal mine with regard to the fight over this resource, just as European countries once fought over valuable spices or oil in the Middle East.

Finally, if policymakers seek a different method of supporting partner nations in maritime security but the idea of working with Sea Shepherd is not palatable, studying the organization as a business model may be useful. A think tank or other NGO might emerge to take its best elements and work with host nations to address the economic and national security implications of fish scarcity in a cost-effective manner. This is not unprecedented, at least not the concept of an organization focused on IUU fishing.

Discussion Questions

1. Should the U.S. create an alternative to Sea Shepherd that can be regulated?
2. What role could the Peace Corps, Navy Reserve, Coast Guard Reserve, and other entities play in a government-sanctioned fisheries protection and capacity-building force?
3. What are the risks to an organization of having a single charismatic leader? How could the organization mitigate those risks?

4. What high risk/high reward and low risk/low reward courses of action would you suggest for Phase IV of Sea Shepherd's evolution? What resources and capabilities would be necessary?
5. What other domains of our contemporary conflict environment might benefit from non-state actors operating the way that Sea Shepherd does? What about partnership of state institutions with these type of non-state actors?

ANNEX A: VESSELS SEIZED BY SEA SHEPHERD AND PARTNER NATIONS

| Year | Operation | Partner | Ship seized |
|------|-------------------------|----------|-------------------------|
| 2016 | Albacore | Gabon | F/V Alemar Primero |
| 2017 | Albacore | Gabon | F/V Haixin 23 |
| 2017 | Albacore | Gabon | F/V Haixin 27 |
| 2017 | Albacore | Gabon | F/V Haixin 28 |
| 2017 | Albacore | Gabon | F/V Montecelo |
| 2017 | Albacore | Gabon | F/V Baz |
| 2017 | Sola Stella | Liberia | F/V Shenghai 9 |
| 2017 | Sola Stella | Liberia | F/V Hispasen 7 |
| 2017 | Sola Stella | Liberia | F/V Lu Rong Yuan Yu 988 |
| 2017 | Sola Stella | Liberia | F/V Star Shrimper XXV |
| 2017 | Sola Stella | Liberia | F/V Lian Run |
| 2017 | Sola Stella | Liberia | F/V Dzintars |
| 2017 | Sola Stella | Liberia | F/V Labiko 2 |
| 2018 | Albacore | Gabon | F/V Hua Yi 5 |
| 2018 | Albacore | Gabon | F/V Jin Li 961 |
| 2018 | Albacore | Gabon | F/V Jin Li 962 |
| 2018 | Sola Stella | Liberia | F/V Guo Ji 809 |
| 2018 | Sola Stella | Liberia | F/V Panofi Fore Runner |
| 2018 | Sola Stella | Liberia | F/V Hai Lung |
| 2018 | Sola Stella | Liberia | F/V Benty 1 |
| 2018 | Sola Stella | Liberia | F/V Bonheur |
| 2018 | Jo dari | Tanzania | F/V Buah Naga 1 |
| 2018 | Jo dari | Tanzania | F/V Tai Hong 1 |
| 2018 | Jo dari | Tanzania | F/V STS 50 |
| 2019 | Guegou | Benin | F/V Fada 10 |
| 2019 | Guegou | Benin | F/V Tian Yu 5 |
| 2019 | Guegou | Benin | F/V Tian Yu 6 |
| 2019 | Guegou | Benin | F/V Tian Yu 8 |
| 2019 | Albacore | Gabon | F/V Haixin 27 |
| 2019 | Albacore | Gabon | F/V Tchilassi |
| 2019 | Gambian Coastal Defence | Gambia | F/V Victory 205 |
| 2019 | Gambian Coastal Defence | Gambia | F/V Lu Lao Yuan Yu 010 |
| 2019 | Gambian Coastal Defence | Gambia | F/V Niam Niokho |
| 2019 | Gambian Coastal Defence | Gambia | F/V Hazem |
| 2019 | Gambian Coastal Defence | Gambia | F/V Superfly 4 |
| 2019 | Gambian Coastal Defence | Gambia | F/V Qunlong 3 |
| 2019 | Gambian Coastal Defence | Gambia | F/V Qunlong 5 |
| 2019 | Gambian Coastal Defence | Gambia | F/V Hansen 01 |
| 2019 | Gambian Coastal Defence | Gambia | F/V Hansen 03 |
| 2019 | Gambian Coastal Defence | Gambia | F/V Hansen 05 |
| 2019 | Gambian Coastal Defence | Gambia | F/V Hansen 07 |
| 2019 | Gambian Coastal Defence | Gambia | F/V Dehong 2 |
| 2019 | Gambian Coastal Defence | Gambia | F/V Dehong 3 |
| 2019 | Gambian Coastal Defence | Gambia | F/V Mohamed |
| 2019 | Sola Stella | Liberia | F/V Hai Feng 823 |
| 2019 | Sola Stella | Liberia | F/V Solevant |
| 2019 | Sola Stella | Liberia | F/V Irene |

STUDY GUIDE

Discussion Questions — *from the text*

CHAPTER ONE

1. Does the U.S. or its partners have the ability and will to replace Sea Shepherd capabilities with their own maritime security forces? Why or why not?
2. What Sea Shepherd tactics could be emulated by the U.S. Navy or Coast Guard?
3. How do you define the organization: a terrorist organization, pirate, eco-vigilante, private security firm, environmental activist, something else? Explain your reasoning.
4. What challenges do states have working with Sea Shepherd or similar groups that use violence at early phases in their development? Why would a state be willing to cooperate with such a group?
5. Early in their existence, the Sea Shepherd crew were labeled pirates and terrorists. They later gained recognition as working in service of a greater good. Are there any currently existing groups you can think of (violent groups or peaceful NGO-type actors) that may have a chance of becoming partners with international institutions rather than being rhetorically exiled?
6. When state actors partner with all-volunteer groups, is there a risk that attempting to institutionalize the work being done may damage, or otherwise alter, the incentive structure that made the volunteer group successful in the first place?
7. What lessons could the DoD/national security community learn from Watson's commitment to persistent messaging?
8. Does the fact that an all-volunteer organization enforcing UN rules imply that existing state institutions are unable or unwilling to enforce international norms? Are the "rule makers" setting unrealistic goals when it comes to enforcing those rules?

CHAPTER TWO

1. What are the risks and rewards of adopting the decentralized franchising model discussed in Phase II? How could those risks be mitigated?
2. Discuss the implications if a more radical group emerged with the same maritime interests as Sea Shepherd.
3. Sea Shepherd gained support and legitimacy in part because of the television show *Whale Wars*. Discuss the role media can play in legitimizing these kind of groups.
4. What are the advantages of having many decentralized chapters instead of a single organization? What are the disadvantages?
5. Are there other volunteer organizations that use a franchising model of growth similar to that of Sea Shepherd? Could this model be successful for an organization that operates in a less dramatic and TV-friendly way?

CHAPTER THREE

1. Under what scenarios, if any, might the U.S. might partner with Sea Shepherd?
2. Mao's theory of revolution also uses three phases. To what extent does the Sea Shepherd's strategic development mirror those stages? How does it differ?
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CHAPTER FOUR

1. Should the U.S. create an alternative to Sea Shepherd that can be regulated?
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4. What high risk/high reward and low risk/low reward courses of action would you suggest for Phase IV of Sea Shepherd's evolution? What resources and capabilities would be necessary?
5. What other domains of our contemporary conflict environment might benefit from non-state actors operating the way that Sea Shepherd does? What about partnership of state institutions with these type of non-state actors?

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